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JAMES N. HATTEN, Clerk
By: Deputy Clerk

ORIGINAL

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF GEORGIA

ATLANTA DIVISION

UNITED STATES OF AMERICA	:	
	:	CRIMINAL INDICTMENT
v.	:	1 10-CR-241
	:	~~(Under Seal)~~
PARMESH DIXIT,	:	
HITESH DESAI, and	:	
INTELLI INFOTEK, LLC	:	

THE GRAND JURY CHARGES THAT

COUNT ONE - CONSPIRACY TO COMMIT VISA FRAUD

Introduction

At all times material to this Indictment:

1. Defendant PARMESH DIXIT, an attorney, operated the law firm Dixit and Youn, which specialized in Immigration law.

2. Defendant HITESH DESAI operated defendant INTELLI INFOTEK, LLC. INTELLI INFOTEK, LLC, a software development and consulting company, sought foreign workers for alleged placement in the computer industry.

3. Under United States laws and regulations, non-citizens of the United States (aliens) are not permitted to lawfully work in the United States unless they have been granted permission by the United States government. Certain foreign-born individuals can obtain a visa from the U.S. State Department to enter and/or to lawfully remain in the United States. A visa is a document issued by a consular representative of the United States that entitles the bearer to enter the United States. A non-immigrant visa ("NIV") is a visa that is issued for temporary entry into the United States. NIVs

are issued in various classifications, such as visitor for business (B-1), visitor for pleasure (B-2), temporary skilled worker (H-1) and intra-company transferee (L-1).

4. Under the laws and regulations of the United States, aliens outside of the United States can work temporarily in the United States in a specialized occupation by obtaining a non-immigrant visa referred to as a H-1B visa. The H-1B visa permits aliens to work in the United States for three years, with the possibility of an additional three-year extension, for a maximum period of six years.

5. An employer seeking legal status for an alien to work in the United States uses a process which can involve three steps and three government entities: the United States Department of State, the United States Department of Labor ("USDOL"), and the Department of Homeland Security, Citizenship and Immigration Services ("CIS").

The Process of Seeking Temporary Employment For Aliens In The United States:

The Submission of an Application to the U.S. Department of Labor

6. An employer is required to file a Labor Condition Application ("ETA-9035") with the USDOL. The Form ETA-9035 sets forth, among other items, the name of the employer, location of job, job title, and rate of pay.

Filing A Petition with CIS For H-1B Visa

7. Once the Form ETA-9035 is certified by the USDOL, the employer files with CIS a Form I-129, Petition for Nonimmigrant Worker. The employer submits a certified Form ETA-9035 and an offer of employment letter with the Form I-129 to CIS. The offer of employment letter contains a detailed description of the specific requirements of the job for which the alien is being hired and the alien's qualifications.

8. If CIS approves the Form I-129, the alien can then be granted a temporary employment visa, commonly referred to as an H-1B visa, from the State Department. Under an H-1B visa, the alien is permitted to work only for the employer who signed the Form I-129. An alien who works elsewhere violates the conditions of the visa, and is, therefore, subject to deportation or removal from the United States.

9. After an alien receives an H-1B visa for employment, the visa can be renewed for three additional years via applications to the Department of Labor on a Form ETA-9035 and with CIS on a Form I-129, as outlined above. On the ETA-9035 for a renewal, an employer must again certify that the employee will work in a certain occupation and will be paid a prevailing wage rate for that specific job in a specific geographic area.

Filing A Petition with CIS For L-1 Visas

10. The L-1 category of visas is granted to intra-company transferees and applies to aliens who work for a company with a parent, branch, subsidiary or affiliate of the same employer in the United States. These workers enter the United States as intra-company transferees who are temporarily assigned to perform services either in a managerial or executive capacity (L-1A) or which entail specialized knowledge (L-1B), for a parent, branch, subsidiary or affiliate of the same employer by whom the professional is employed abroad. The employee must have been employed abroad for the corporation, firm, or other legal entity (or an affiliate or subsidiary thereof), on a full-time basis for at least one continuous year of the last three-year period to qualify. The employer submits a Form I-129, Petition for a Nonimmigrant Worker, to CIS certifying the job offer and that the candidate has met the requirements.

The Process of seeking Permanent Employment for Aliens in the United States:

Petition for Alien Worker, I-140

11. An I-140 petition for a multi-national executive or manager can be submitted directly to CIS without an Application for Alien Employment Certification. An approved I-140 petition permits an alien to apply for lawful permanent residence, also known as green card status, in the United States via Form I-485, Application to Register Permanent Residence or Adjust Status. A multi-national executive or manager must have worked for a partner or subsidiary of the American business overseas as a manager or executive. Once in the United States, a multi-national executive or manager must be employed in said position for the business that submitted the petition on his behalf.

Filing Fees

12. The filing fee for an I-129, Petition for a Nonimmigrant Worker, ranged from $130 to $320 during the time period of the indictment. The filing fee for an I-140, Immigrant Petition for Alien Worker, ranged from $135 to $475 during the time period of the indictment.

Objects of the Conspiracy

13. Beginning by at least July 11, 2005 and continuing until at least July 23, 2008, in the Northern District of Georgia and elsewhere, the defendants PARMESH DIXIT, HITESH DESAI, and INTELLI INFOTEK, LLC, and Punyapriya Patel and others known and unknown to the Grand Jury, did knowingly and willfully combine, conspire, confederate, agree, and have a tacit understanding with each other and others, to violate Title 18, United States Code, Section 1546, that is, the defendants and others conspired to knowingly make under oath and, as permitted under penalty of perjury under section 1746 of title 28, United States Code, knowingly subscribe as true,

statements they knew to be false with respect to material facts in applications, affidavits and other documents required by the immigration laws and regulations prescribed thereunder, and to knowingly present any such application, affidavit and other document which contained such false statements and which failed to contain any reasonable basis in law and fact.

Manner and Means

14. It was part of the conspiracy that:

(a) Defendant INTELLI INFOTEK, through its officers and employees including defendant HITESH DESAI, sought legal status including H-1B and L-1 non-immigrant visas and permanent resident status/green cards from the United States government on behalf of aliens by filing employment-based visa applications which fraudulently stated where and in what specialized areas the aliens would be working, that they had been managers or executives of companies in India, and that they would be managers or executives for INTELLI INFOTEK in the United States.

(b) To justify to USDOL and CIS that the H1-B should issue, defendant INTELLI INFOTEK through its officers and employees, including defendant HITESH DESAI, would falsely represent in the sworn ETA-9035 and CIS Form I-129 specific information concerning where the prospective employees would work, what they would do (to include the assertion that the nature of their specialized work qualified them for visas), how much they would be paid, and what positions or jobs they had previously held in India. Some of the information submitted was not true. The visa recipients would not work for the businesses specified in their CIS forms, would not have jobs waiting for them, would not have worked as managers or executives of the stated companies, and, at times, would have to find their own employment upon entering the United States.

(c) Defendant PARMESH DIXIT provided assistance to aliens seeking visas to enter or remain in the United States. DIXIT would inform aliens, or direct paralegal Punyapriya Patel who worked for him to tell aliens, that if they wanted H1-B or L1 non-immigrant status, they could list INTELLI INFOTEK as the contractor for whatever businesses they were actually employed by. DIXIT would inform aliens that once they had L-1 visas they could apply for permanent resident status.

(d) Defendant PARMESH DIXIT told aliens he could obtain "green cards" and resident alien status for them. At DIXIT's direction, Punyapriya Patel would prepare the paperwork for submission to CIS and would then file paperwork with CIS. DIXIT knew said submissions contained fraudulent information, such as past job experiences, biographic data, and the jobs the aliens would have in the United States.

(e) Defendant PARMESH DIXIT told aliens that, if they were asked by government officials, they had to state that they worked for the company in India listed on the I-140 petition, often Vidyut Corporate Services, India, even if they did not work for said company. Defendant PARMESH DIXIT also told aliens that they had to state they worked for INTELLI INFOTEK in the United States, even if they did not work for INTELLI INFOTEK.

(f) Defendant PARMESH DIXIT would not explain the requirements of the various visas to the aliens, but rather would instruct them what to do and what to file, even if such filings contained false information.

(g) Aliens would, in turn, pay defendant PARMESH DIXIT higher than standard fees for his assistance, his contacts with defendant INTELLI INFOTEK, and his demonstrated ability to obtain visas, albeit using fraudulent information.

(h) Defendant PARMESH DIXIT and others paid defendant HITESH DESAI in order to use INTELLI INFOTEK to file petitions for visas for individuals who were then supposed to work for INTELLI INFOTEK.

(i) In order to make the aliens' employment appear legitimate and to corroborate the submissions to CIS, some aliens would send money directly to defendants INTELLI INFOTEK and HITESH DESAI. Defendant HITESH DESAI would deposit money orders, checks and cash into the INTELLI INFOTEK business account from aliens who were not working in the occupational category or geographical area as stated on their H1-B and L-1 visas. Defendants DESAI and INTELLI INFOTEK would then send some aliens paychecks to make it appear that they were on the payroll and employed at INTELLI INFOTEK as required by their visas, when in fact said aliens were not employed by INTELLI INFOTEK.

Overt Acts

15. In furtherance of the conspiracy, and to accomplish its objects, the defendants PARMESH DIXIT, HITESH DESAI, and INTELLI INFOTEK, LLC, and Punyapriya Patel and others known and unknown to the Grand Jury, committed or caused to be committed at least one of the following overt acts, among others, in the Northern District of Georgia and elsewhere:

(a) The Grand Jury incorporates by reference as overt acts Counts 3 through 64 of this Indictment.

Alien P. P. 1

(b) On or about October 5, 2005, defendants PARMESH DIXIT and HITESH DESAI caused to be filed on behalf of PP 1 an I-140, Immigrant Petition for Alien Worker, containing false information. From approximately December 2005 through and including May 2007, PP 1 paid

$3,500 a month to defendant INTELLI INFOTEK. INTELLI INFOTEK then issued a paycheck to PP 1 for approximately $2,600, keeping approximately $900. The paychecks were to make it appear that PP 1 worked for INTELLI INFOTEK in compliance with his visa, when in fact PP 1 did not work for INTELLI INFOTEK.

(c) From 2005 to 2006, PP 1 met with defendant PARMESH DIXIT, and ultimately paid DIXIT approximately $20,000 to $25,000 to obtain legal immigration status for PP 1.

Alien S.P. 1

(d) On or about March 1, 2006, defendant HITESH DESAI and defendant PARMESH DIXIT caused an I-140, Immigrant Petition for Alien Worker, to be filed on behalf of SP 1. Said I-140 petition contained false information about SP 1's prior work experience in India, claiming she was a multinational executive/manager with Vidyut Corporate Services, India.

(e) SP 1's work visa, issued on or about July 5, 2006, required her to work at INTELLI INFOTEK. SP 1 never worked at INTELLI INFOTEK. Defendant DIXIT never told SP 1 that she had to actually work for the petitioning company INTELLI INFOTEK.

(f) SP1 and her husband, SP2, paid defendant DIXIT approximately $25,000-$30,000 for his work on filing their applications for work visas.

Alien L.P.

(g) On about March 3, 2006, defendant HITESH DESAI and defendant PARMESH DIXIT caused to be filed on behalf of LP an I-129, Petition for a Nonimmigrant Worker, containing false information.

(h) On or about July 31, 2007, defendant HITESH DESAI and defendant PARMESH DIXIT caused to be filed on behalf of LP an I-140, Immigrant Petition for Alien Worker, containing false information.

(i) From approximately April 2007 through and including February 2008, LP paid $2,400 a month to defendant INTELLI INFOTEK. INTELLI INFOTEK then issued a paycheck to LP for approximately $1,800, keeping approximately $800. The paychecks were to make it appear that LP worked for INTELLI INFOTEK in compliance with his visa, when in fact LP did not work for INTELLI INFOTEK but instead worked at a convenience store in Tennessee.

(j) Defendant PARMESH DIXIT informed LP that he needed a contract between defendant INTELLI INFOTEK and the company that operated the convenience store so LP would have something to show to obtain his L-1 Visa.

Alien M.P.

(k) On or about March 13, 2006, defendants HITESH DESAI and PARMESH DIXIT caused to be filed on behalf of MP an I-129, Petition for a Nonimmigrant Worker, containing false information.

(l) On or about July 31, 2007, defendants HITESH DESAI and PARMESH DIXIT caused to be filed on behalf of MP an I-140, Immigrant Petition for Alien Worker, containing the false information that MP had worked for Vidyut Corporate Services in India.

(m) From at least the last quarter of 2007 through the first quarter of 2008, RP, the husband of MP, wrote checks to INTELLI INFOTEK. INTELLI INFOTEK then issued a paycheck to MP, keeping some of the money originally sent to INTELLI INFOTEK. The paychecks were to make it appear MP worked for INTELLI INFOTEK in compliance with her visa, when in fact MP did not work for INTELLI INFOTEK but instead worked at a hotel in North Carolina.

(n) Defendant PARMESH DIXIT informed RP and MP that a contract could be arranged between the job they found and INTELLI INFOTEK. Thus, Santel Corporation, d/b/a Microtel, made a contract with INTELLI INFOTEK.

(o) From 2007 to 2008, RP and MP paid defendant PARMESH DIXIT approximately $38,000 to $40,000 for his efforts in obtaining their visas.

Alien C.P.

(p) On or about August 8, 2006, defendants HITESH DESAI and PARMESH DIXIT caused to be filed on behalf of CP an I-129, Petition for a Nonimmigrant Worker, containing false information.

(q) On or about January 9, 2008, defendants HITESH DESAI and PARMESH DIXIT caused to be filed on behalf of CP an I-140, Immigrant Petition for Alien Worker, containing false information that CP had worked for Vidyut Corporate Services in India.

(r) From approximately May 2007 through and including January 2008, CP paid $2,400 a month to INTELLI INFOTEK. INTELLI INFOTEK then issued a paycheck to CP for approximately $1,800-$1,900, keeping approximately $600-$700. The paychecks were to make it appear CP worked for INTELLI INFOTEK in compliance with his visa, when in fact CP did not work for INTELLI INFOTEK but instead worked at a convenience store in Tennessee.

(s) Defendant PARMESH DIXIT informed CP that he needed a job to keep his legal status and that the employer would pay INTELLI INFOTEK. DIXIT further instructed CP that if someone asked he had to state that he had worked for Vidyut Corporate Services in India and now INTELLI INFOTEK, even though DIXIT knew those were not true statements.

(t) From 2007 to 2008, CP met with defendant PARMESH DIXIT and ultimately paid him approximately $25,000 in cash to obtain legal immigration status.

Alien S.T. 1

(u) On or about September 28, 2005, defendant PARMESH DIXIT caused to be submitted an I-140 application, Immigrant Petition for Alien Worker, and an I-485, Application to Register Permanent Residence or Adjust Status, for ST 1, fraudulently claiming that ST 1 was a multi-national executive or manager who had been employed in a managerial capacity by Vidyut Corporate Services in India. In reality, ST 1 was a 20-year old student when he arrived in the United States.

(v) For DIXIT's role in obtaining legal permanent resident status for ST 1 and his father, ST 2, DIXIT was paid approximately $65,000 to $80,000.

All in violation of Title 18, United States Code, Section 371.

COUNT TWO - CONSPIRACY TO HARBOR ALIENS IN VIOLATION OF THE LAW

16. Beginning by at least March 29, 2001 and continuing until the date of the return of this indictment, in the Northern District of Georgia and elsewhere, the defendants PARMESH DIXIT, HITESH DESAI, and INTELLI INFOTEK, LLC, and Punyapriya Patel and others known and unknown to the Grand Jury, did knowingly and willfully combine, conspire, confederate, agree, and have a tacit understanding with each other and others, to violate Title 8, United States Code, Section 1324(a)(1)(A)(iv) and (B)(i), for the purpose of commercial advantage and private financial gain, that is, the defendants and others encouraged and induced aliens to come to, enter, and reside in the United States, knowing and in reckless disregard of the fact that such coming to, entry and residence was and would be in violation of law.

17. The Grand Jury incorporates by reference paragraphs 1-12, and 14 of Count One as if each paragraph was fully set forth herein.

All in violation of Title 8, United States Code, Section 1324(a)(v)(I).

COUNTS THREE - THIRTY-ONE
VISA FRAUD

18. On or about the dates listed below, in the Northern District of Georgia and elsewhere, the defendants, PARMESH DIXIT, HITESH DESAI, and INTELLI INFOTEK, LLC, aided and abetted by each other, Punyapriya Patel, and others known and unknown to the Grand Jury, did knowingly make under oath and, as permitted under penalty of perjury under section 1746 of title 28, United States Code, knowingly subscribe as true, statements that were false with respect to material facts in applications, affidavits and other documents required by the immigration laws and regulations prescribed thereunder, and did knowingly present any such applications, affidavits and other documents which contained such false statements and which failed to contain any reasonable basis in law and fact:

COUNTS	DATES	INITIALS
3	July 11, 2005	ST 2
4	July 28, 2005	AA
5	September 26, 2005	DP
6	September 26, 2005	VB
7	September 28, 2005	ST 1
8	September 29, 2005	RB
9	September 29, 2005	PP 2

COUNTS	DATES	INITIALS
10	October 3, 2005	KP 2
11	October 5, 2005	PP 1
12	October 4, 2005	AS
13	March 1, 2006	SP 1
14	May 8, 2006	KP 3
15	October 26, 2006	NS
16	November 30, 2006	BM
17	April 26, 2007	VP
18	May 7, 2007	ST 3
19	May 17, 2007	BP 2
20	July 23, 2007	BP
21	July 31, 2007	LP
22	July 31, 2007	MP
23	July 31, 2007	AP 1
24	July 31, 2007	VS
25	August 7, 2007	KP 1
26	August 14, 2007	PS
27	September 18, 2007	SS 2
28	September 20, 2007	AP 2
29	December 31, 2007	RP
30	January 9, 2008	CP
31	July 23, 2008	SS 1

all in violation of Title 18, United States Code, Section 1546(a) and Title 18, United States Code, Section 2.

COUNTS THIRTY-TWO THROUGH SIXTY-FOUR
ALIEN HARBORING

19. Beginning on or about the dates listed below and continuing either until the return of this indictment, or until the date provided below, in the Northern District of Georgia and elsewhere, the defendants, PARMESH DIXIT, HITESH DESAI, and INTELLI INFOTEK, LLC, aided and abetted by each other, Punyapriya Patel, and others known and unknown to the Grand Jury, for the purpose of commercial advantage and private financial gain, did encourage and induce each alien identified below to come to, enter and reside in the United States, knowing and in reckless disregard of the fact that such residence was and would be in violation of the law:

COUNTS	DATES	INITIALS
32	March 29, 2001 through June 15, 2009	BP 3
33	February 18, 2003	KP 1
34	October 17, 2003	PS
35	November 28, 2003	ST 3
36	December 1, 2003	OS
37	February 5, 2004	SP 3
38	September 30, 2004	SS 2
39	October 5, 2004	MA
40	February 16, 2005	ST 2
41	March 9, 2005	RB
42	May 23, 2005	VB
43	July 19, 2005	PP 2
44	July 28, 2005	AA
45	August 31, 2005	PP 1

COUNTS	DATES	INITIALS
46	September 26, 2005	DP
47	September 28, 2005	ST 1
48	October 3, 2005	KP 2
49	October 4, 2005	AS
50	March 1, 2006	SP 1
51	March 3, 2006	LP
52	March 13, 2006	MP
53	May 8, 2006	KP 3
54	August 8, 2006	CP
55	September 13, 2006	AP 1
56	October 26, 2006	NS
57	November 30, 2006	BM
58	March 8, 2007	VS
59	April 26, 2007	VP
60	May 17, 2007	BP 2
61	July 23, 2007	BP 1
62	September 2, 2007	AP 2
63	December 31, 2007	RP
64	July 23, 2008	SS 1

all in violation of Title 8, United States Code, Section 1324(a)(1)(A)(iv), (v)(II) and (B)(i).

COUNTS SIXTY-FIVE THROUGH SEVENTY FOUR
ALIEN HARBORING

19. Beginning on or about the dates listed below and continuing until either the return of this indictment or until the date provided below, in the Northern District of Georgia and elsewhere,

the defendant PARMESH DIXIT, aided and abetted by Daxesh Patel and Axar Systems, and others known and unknown to the Grand Jury, for the purpose of commercial advantage and private financial gain, did encourage and induce each alien identified below to come to, enter and reside in the United States, knowing and in reckless disregard of the fact that such residence was and would be in violation of the law:

COUNTS	DATES	INITIALS
65	December 27, 2002	PJ
66	May 18, 2004	JP
67	August 2, 2004	RT
68	July 5, 2005	SP 2
69	October 4, 2005	JC
70	October 4, 2005	RJ
71	July 25, 2006	NP
72	August 28, 2006	JP
73	September 5, 2006	BS
74	May 2, 2007 through June 1, 2009	AJ

all in violation of Title 8, United States Code, Section 1324(a)(1)(A)(iv), (v)(II) and (B)(i).

Forfeiture Provision

20. Upon conviction of one of more of the offenses charged in Counts One through Seventy-three of this Indictment, the defendants PARMESH DIXIT, HITESHI DESAI, and INTELLI INFOTEK, LLC shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(6), all conveyances used in the commission of the violation, all property, real or personal, that constitutes or is derived from or is traceable to proceeds obtained directly or indirectly from the

commission of the offense, and all property, real or personal, that was used to facilitate, or was intended to be used to facilitate the commission of the offense, including but not limited to:

a. A sum of money equal to the amount of proceeds obtained as a result of the conspiracy to violate Title 18 United States Code Section 1546.

In addition, upon conviction of the offenses charged in Counts Thirty-one through Seventy-Three, the defendants PARMESH DIXIT, HITESH DESAI, and INTELLI INFOTEK, LLC shall forfeit to the United States, pursuant to Title 8, United States Code, Section 1324(b) and Title 28, United States Code, Section 2461, all conveyances used in the commission of the violation, all property, real or personal, that constitutes or is derived from or is traceable to proceeds obtained directly or indirectly from the commission of the offense, and all property, real or personal, that was used to facilitate, or was intended to be used to facilitate the commission of the offense, including but not limited to:

a. A sum of money equal to the amount of proceeds obtained as a result of the conspiracy to violate Title 8, United States Code, Section 1324.

If, as a result of any act or omission of the Defendant, any property subject to forfeiture:

(a) cannot be located upon the exercise of due diligence;

(b) has been transferred or sold to, or deposited with, a third person;

(c) has been placed beyond the jurisdiction of the Court;

(d) has been substantially diminished in value; or

(e) has been commingled with other property which cannot be subdivided without difficulty;

the United States intends, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1) and Title 28, United States Code, Section 2461, to seek forfeiture of any other property of the Defendant up to the value of the forfeitable property or seek a money judgement against the Defendant for any amount that would constitute the proceeds of such violation.

A True BILL

FOREPERSON

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